



New Small
Business Enterprise
Program
(SBE)

Ordinance 05-29 A.O. 3-41

Presented by
Department of Business
Development

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ACRONYMS

AAP Affirmative Action Plan

CBE Community Business Enterprises

CSBE Community Small Business Enterprises

CWP Community Workforce Program

DBE Disadvantaged Business Program

NAM Needs Assessment Meeting

PP Procurement Policies

SBE Small Business Enterprises

DBD DIVISIONS

BUSINESS ASSISTANCE

- •CERTIFICATION (SBE, Micro Enterprise, DBE, CBE, CSBE)
- •CERTIFICATION LISTS (BY FIRMS, TRADES, and COMMODITY CODES)
- •MANAGEMENT & TECHNICAL ASSISTANCE MTA (COMMUNITY OUTREACH)

ADMINISTRATIVE & FINANCIAL MANAGEMENT

- **•BONDING & FINANCIAL ASSISTANCE**
- SHORT TERM LENDING PROGRAM
- ACCOUNTING & BUSINESS PLAN REIMBURSEMENT PROGRAM

BUSINESS & PROFESSIONAL DEVELOPMENT

- •PRE-AWARD REVIEW & ANALYSES FOR MEASURES
- •PROCUREMENT (SBE)
- CONSTRUCTION (CSBE, CWP)
- •ARCHITECT & ENGINEERS (CBE)

CONTRACTS REVIEW & COMPLIANCE

- •POST-AWARD LIVING WAGES, RESPONSIBLE WAGES & BENEFITS
- •POST-AWARD COMPLIANCE AND MONITORING (CWP, CBE, CSBE, SBE)

PROFESSIONAL SUPPORT SERVICES

- •APPEAL HEARINGS
- **•DEBARMENT**
- **•AFFIRMATIVE ACTION**
- •A&E TECHNICAL CERTIFICATION

SBE PROGRAM OVERVIEW

There are two components of the SBE Program:

SBE

- Small Business Enterprise (SBE) is a business entity certified by DBD, providing goods or services.
- SBE measures are applicable to contracts greater than \$50,000.

Micro Enterprise

- Micro Enterprise is a business entity certified by DBD, providing goods or services.
- Micro Enterprises are eligible for contracts \$50,000 or less.
- Departments will expend a minimum of 5% of the total value of contracts less than \$50,000 for goods and/or services with Micro Enterprises.
- Program requires the departments solicit from 2 micros and 2 non-micros.

SBE CERTIFICATION

Eligibility requirements:

- Must provide goods or services.
- Must have an actual place of business in Miami-Dade County.
- Must perform a commercially useful function.
- Must own only one certified Micro Enterprise/SBE firm.
- Micro Enterprises must have 3-year average gross revenues not exceeding \$2 million except manufacturers whose number of employees cannot exceed fifty (50) and wholesalers cannot exceed fifteen (15).
- SBEs must have 3-year average gross revenues not exceeding \$5 million except manufacturers whose number of employees cannot exceed one hundred (100) and wholesalers cannot exceed fifty (50).
- It is recommended that a vendor be registered with the Department of Procurement Management (DPM).

SBE PROGRAM MEASURES

SET-ASIDE

For bidding solely among SBEs.

SUBCONTRACTOR GOAL

 Portions of the work under the prime contract performed by available subcontractors that are certified SBEs.

BID PREFERENCE (BIDS & CONTRACTS)

- Applies to all contracts not set-aside or have a subcontractor goal.
- A 10% bid preference on all contracts \$1 million or less.
- A 5% bid preference on all contracts greater than \$1 million.
- SBEs are not accorded a bid preference on contracts \$50,000 or less.
- Micro Enterprises are accorded a 10% bid preference on contracts \$50,000 or less.
- Utilized for bid evaluation and shall not affect the contract price.

SELECTION FACTOR (RFP/RFQ)

- Applies to all contracts not set-aside or have a subcontractor goal.
- Shall receive an additional ten percent (10%) of the evaluation points scored on the technical portion of such proposal.
- Shall provide that whenever there are two best ranked proposals are tied; the selection factor shall be the deciding factor for award.

PURCHASE ORDER REVIEW

(Contracts \$50,000 or less)

- Review Department's Micro Enterprise Utilization
 - Review 5% departmental goal.
 - If 5% departmental goal is met no action required.
 - If 5% departmental goal is not met DBD will review justification.
 - Notify Department Directors
 - Approximately twenty (20) departments will be reviewed during the reporting period.
 - DBD will report bi-annually to the BCC.

SAMPLE

Department of Business Development Micro Enterprise (ME) Usage Report Effective Date Between 10/01/2004 and 2/10/2005



urchase rder ld	Title	Type Ind *	Contract Id	Effective Date	PO Amount	Vendor Name	Commodity Code	Busn Entrs	% of Total:	Micro E.	Justification
OCA0500176	FIELD TRIP	DP		12/21/04	259.00	MARINE EXHIBITION CORP	96205		0.16%		
OCA0500177	FIELD TRIP	DP		12/21/04	92.00	MIAMI CHILDREN'S MUSEUM INC	96205		0.06%		
OCA0500178	FIELD TRIP	DP		01/07/05	5,725.00	P J BIRDS INC	96205		3.59%		
OCA0500179	COPIER RENTAL	DP		12/21/04	4,919.00	KYOCERA MITA AMERICA INC	01515 98526000001		3.08%		
OCA0500180	TYPEWRITER MAINTENANCE	DP		12/23/04	99.00	BURR INDUSTRIES INC	93987		0.06%		
OCA0500181	LAMINATOR REPAIR	DP		12/23/04	270.00	SOUTH EAST LAMINATING INC	96251		0.17%		
OCA0500183	BANNER	DP		12/29/04	464.00	SD MODULAR DISPLAYS 35010			0.29%		
OCA0500190	FIELD TRIP	DP		01/07/05	360.00	LITTLE FARM INC	96205		0.23%		
OCA0500197	COPIER RENTAL	DP		01/11/05	1,306.02	COPYCO INC 98526			0.82%		
OCA0500200	BUS UNIFORMS	DP		01/12/05	0.00	SUPERIOR UNIFORM GROUP INC			0.00%		
OCA0500210	MACHINE REPAIRS	DP		01/18/05	456.87	REX CHEMICAL CORP	36515 93107	HBE WBE	0.29%		
OCA0500219	COPIER RENTALS	DP		01/19/05	767.23	KYOCERA MITA AMERICA INC	98526		0.48%		
OCA0500220	UNIFORMS	DP		01/19/05	73.50	.50 SUPERIOR UNIFORM GROUP INC 20075			0.05%		
OCA0500221	COMPUTER	CR	250-000-03-1	01/19/05	1,019.73	DELL MARKETING L P	20511		0.64%		
OCA0500223	COMPUTER	CR	250-000-03-1	01/20/05	2,891.98	DELL MARKETING L P	20502 20511 20547		1.81%		
OCA0500225	TROPIES	DP		01/24/05	214.00	MILLER TROPHIES & PRINTING INC	08078		0.13%		
OCA0500227	SUPPLIES	DP		01/26/05	2,798.90	SUCCESSORIES INC	05060		1.75%		
OCA0500232	SIGNS	DP		02/01/05	374.00	SPANISH ENGRAVING CORP	57882		0.23%		
OCA0500235	PLAYGROUND MULCH	DP		02/02/05	998.00	THOMAS MAINTENANCE SERVICE INC	59595	BBE	0.63%		
otal PO\$:					159,590.30	Micro En	terprise% of Dep	t. PO\$:	100.00%		
of Total (Base	ed on all departments Purchase Ord	ier\$):			7.23%						
otal: 2,208,8	11.49										
Type Indicator* BW - Bid Waiver CR - Capital Releases for Capital Equipment DP - Small Purchase Order ER - Emergency Requisition DI - State of the commodity code (s) 2. ME is 10% greater than a Non-ME 3. Sole Source 4. Bid Waiver											
P1 - Releases for Miscellaneous Construction P2 - Releases for Miscellaneous Building Materials PO - One-time Purchase Order SS - Sole Source											

Micro Enterprise (ME) Usage Report Review Process

Phase	Process
Review	 Purchasing data extracted from ADPICS Mainframe on or about the 10th of each month. The report contains the following: Commodity Code, Commodity Name, Purchase Order Number, Vendor Name, Certification Status, Purchase Order Amount, ME percentage (%) to total and justification for not awarding to ME Staff will review the report of each issuing department's total purchases and the total percentage of awards to Micro Enterprises. If the 5% requirement is met action is not required If the 5% requirement is not met, DBD will review the Department's Micro Enterprise Usage Report to verify ME availability. If there are no certified MEs, DBD action is not required. If there are certified MEs, DBD shall provide the Micro Enterprise Usage Report via e-mail to the issuing department that lists the commodity where MEs are certified but were not selected. The department shall provide the following justification from the provided legend within 15 days of notice: No Response from ME for that commodity code(s) ME is greater than 10% of a Non-ME Sole Source Bid Waiver101010
Schedule	Each month, extract and review purchasing data of preceding months for 20 departments in alpha order starting in March: Group A in April for March Group B in May for March - April Group C in June for March — May Group A in July for April —June10 Group B in August for May — July Group C in September for June — August Groups A, B, C in October for July - September10 Group A in November for October Group B in December for October — November Group C in January for October — December Summary reports to BCC in July/August and November/December
Final Report	9. Present summary reports to the BCC semi-annually.

OLD vs. NEW PROCESS

(Contracts \$50,000 and less)

B/H/W Program

- Department obtains a minority vendor certified list from DBD based on the NAICS code.
- Solicit a minimum of <u>three</u> quotes from non-minority vendors and <u>one</u> from a minority vendor.
- Note in ADPICS the unavailability of minority vendors.

SBE Program

- Expend 5% of purchases with Micro Enterprises.
- Department to identify Micro Enterprises by commodity code via www.miamidade.gov/dbd.
 - Select reports
 - Select certification list
 - Select Micro firms either by trade category, company name, and commodity codes
- Solicit a minimum of <u>two</u> quotes from non-Micro Enterprise vendors and <u>two</u> from Micro Enterprises.
- Apply 10% bid preference on quotes from Micro Enterprise firms, example:

Non-Micro Quote 1	Micro Quote 2			
\$10.00	\$10.00			
0.00%	less: 10%			
Total \$10.00	*\$9.00			

^{*}For evaluation purposes only

- If 5% not met, DBD shall notify the department and it shall provide justification on Micro Enterprise (ME) Usage Report (see page 8a & 8b).
- Department responds to the report 1 sent by DBD.

PROJECT REVIEW

(Contracts greater than \$50,000)

ANALYZE PROJECT

- Review scope of work and specifications.
- Determine availability.

ESTABLISH AVAILABILITY

- Verify that a minimum of three (3) SBEs are available to provide the quality, quantity and type of opportunities afforded by the proposed contract.
- Verification of Availability letters must be sent to certified SBE firms.

APPLICATION OF MEASURES

- If there is availability for set-aside and/or subcontractor goal measure the solicitation will be presented to the Review Committee.
- If there is no availability, the solicitation will be returned to DPM advising that a bid preference/selection factor applies.

ISSUING/USER DEPARTMENT'S RESPONSIBILITIES

PROJECT SUBMITTAL

- Submit solicitation to DBD with all relevant information.
- RFP/RFQ unit shall submit a copy to DBD for preliminary review prior to final 'draft'.

SOLICITATIONS

- The SBE Participation Provisions shall apply to every invitation to bid and request for proposals to which a SBE set-aside and/or subcontractor goal is applied.
- Set-aside contract should only be solicited from SBEs.
- Online bid announcement shall indicate applied measures.

BID PREFERENCE/SELECTION FACTOR

- When bid submittals/proposals are received, DPM shall identify SBE vendors by commodity code via the DBD website: www.miamidade.gov/dbd
- If SBE vendors are identified, then the bid preference/selection factor will apply.

PRE-BID

 DPM will advise DBD of all Pre-Bid conferences so that personnel from DBD may attend and properly advise bidders of the applicable SBE measures.

PRE-AWARD COMPLIANCE (set-asides and/or subcontractor goal)

 Provide DBD with a memorandum requesting a compliance review to include copies of all bid submittals/proposals.

DBD'S RESPONSIBILITIES

PROJECT REVIEW

- Analyze projects for measures.
- Present recommendations to the Review Committee.

PRE-BID

 Attends to present the requirements and guidelines as mandated by applicable ordinances and administrative order.

PRE-AWARD COMPLIANCE

- Reviews bid submittals/proposals with set-aside and/or subcontractor goal for compliance with the SBE Program.
- Issues a compliance review memorandum.

POST-AWARD REVIEW (bid preference/selection factor)

 Periodically reviews awarded contracts for the application of the measure.

SBE FORMS

- Certificate of Unavailability (DBD 502)
 - Submitted by the bidder indicating that the SBE is not available to participate on a specific project at a specific time.

CERTIFICATE OF UNAVAILABILITY DBD 502

Small Business Enterprise (SBE)

Certificate of Unavailability

RFP/BID No	
(Name of Prime Contractor)	(Firm Name)
(Address)	(Telephone No.)
I contacted the*SBE Firm	to obtain a bid for work items to be
performed on Miami-Dade County project but, the SBE firm w SBE firm did not respond to the invitation SBE firm was not available to work SBE firm was not the lowest acceptable bidder.	vas unavailable to perform or submit a bid due to the following reasons:
	ts in soliciting to SBE firms, i.e., advertising, personal calls, mailing lists, etc. ing documents such as newspaper ads, phone lists, mailing lists, etc.
If you did not get any responses to your solicitation of S personal calls, mailing lists, etc. Information provided w mailing lists, etc.	BE firms contractors, please detail your efforts to recruit eligible firms, i.e., advertisi vill be verified. Attach all supporting documents such as newspaper ads, phone lists
(Prime Contractor Signature)	(Date)
Title *If multiple SBE firms are contacted, please make additional of the contacted and the contacted are contacted.	conies as deemed necessary

DBD 502

SBE FORMS

- Utilization Report (DBD 503)
 - Submitted by the successful bidder on a contract with goals, listing all work performed in the past by the SBE identified on the Agreement.

UTILIZATION REPORT DBD 503

SMALL BUSINESS ENTERPRISE PROGRAM (SBE) UTILIZATION REPORT

This report is required by Miami-Dade County. Failure to comply may result in MDC commencing proceedings to impose sanctions on the successful bidder, in addition to pursuing any other available legal remedy. Sanctions may include the suspension of any payment or part thereof, termination or cancellation of the contract, and the denial to participate in any further contracts awarded by MDC.

Reporting period: From: To:	Project Name: Project Number:		_	Project	Goal:%
Name: FEIN: Address:		Amount M	nange Order odification (s) Amount	Scheduled Completion Date	Percentage Contract Completed
Amount of Requisitioned this Period \$		•			
Fotal Amount Requisitioned/Paid to D		-			to Date \$/
	SMALL BUS	SINESS ENTERP	RISE (SBE) CERT	TIFIED FIRMS	
Name of SBE Agreement Amount Subcontractor	Description of Work	Amount Sub Requisitioned this period	Amount Paid to Sub to Date	Actual Starting Date	Scheduled Completion Date
		\$	\$	\$	\$
	TOTAL				
Prime Signature		Date			
Print Name		Title			Telephone

DBD 503

MANAGEMENT AND TECHNICAL ASSISTANCE (MTA)

- Shall provide community outreach to firms certified as Small Business Enterprises (SBEs).
- Program designed to provide direct and indirect assistance for SBEs development.
 - Conduct intake meeting with firms interested in doing business with Miami-Dade County.
 - Conduct needs assessment meeting (NAMs) with newly certified SBE firms.
 - Document SBEs' interest in department's programs.
 - Assist with contract pursuit information.

MTA SERVICES

Department Newsletter

- Shall provide timely information on specialized training, seminars, and conferences.
- "Client Classifieds"
 - Match client services
 - Identifies personnel
 - Markets special activities sponsored by program clients.
- List vendors who have established special service delivery costs for SBEs.

Initiatives

- Communicate with SBE vendors.
- Network with local organizations to ensure the maximum exposure to potential participants of the program.
- Develop a marketing/communications program to encourage participation of small businesses.
- Provide a database of small businesses.
- Develop a plan to disseminate information that will inform potential participants of the criteria, guidelines, and benefits of the program.

MTA SERVICES

- Establish a Small Business Resource Library which includes:
 - On-line computer services
 - Video Tutorials
 - Magazines
 - Books
 - Reference Materials

COMMUNITY OUTREACH

The Department of Business Development (DBD) shall provide community outreach to stimulate the interest of the small business community in the SBE Program. The outreach program must demonstrate ongoing recruitment and assistance to small businesses.

This schedule reflects the minimum frequency of outreach services required during the contract period:

Outreach Program	<u>Frequency</u>		
Technical Workshops	Quarterly		
Organizational Outreach	On-Going		
Advertisement of SBE Program	Monthly		

MTA POST-AWARD SERVICES

- Conduct needs assessments with SBEs to evaluate performance in the program.
- Assist with conflict resolution and performance problems.
- Conduct debriefing sessions on awarded contracts to explain why bids may have been unsuccessful.
- Maintain a record of successful bid proposals and encourage SBEs to review and evaluate unsuccessful or non responsive bids.
- Sponsor informational sessions for SBEs.

POST-AWARD COMPLIANCE

DBD's Responsibilities:

- Ensure compliance with the SBE provisions
- Conduct random site visits
- Conduct desk audits
- Review Utilization Reports
- Hold Compliance Meetings
- Review change orders

User Department's Responsibilities:

- Assist DBD in obtaining necessary documentation
- Copy DBD on changes/issues on a contract
- Attend Compliance Meetings as needed
- Terminate the contract with the County Attorney's Office
- Review and approve documents that are under the Contracting Department's purview
- Cooperate in the assessment of sanctions

POST-AWARD COMPLIANCE

- What Constitutes Non-Compliance:
 - After bid submission due date, deviation from the Agreement without the written approval of the Compliance Monitor (DBD).
 - Failure to comply with SBE certification requirements.
 - Modifications to the terms and/or prices of payment to a SBE without prior approval from DBD.
 - Termination of the SBE contract without prior approval from DBD.
 - Reduction of the scope of work without prior approval from DBD.

POST-AWARD COMPLIANCE

- Non-compliance continued:
 - Prime vendors not meeting the SBE goal requirements
 - Failure to abide by the prompt payment requirements
 - The utilization of a non-certified SBE to do SBE work
 - A SBE serving as a conduit for SBE work but which is being performed by a non-SBE firm
 - Not obtaining or retaining SBE certification while performing work designated for SBE firms
 - Failure to submit utilization reports as requested

PROMPT PAYMENT

- It is the intent of this ordinance for SBEs to receive payments promptly to maintain sufficient cash flow.
- Billings from SBE prime vendors must be promptly reviewed and payment made within 30 days for those amounts not in dispute.
- Billings on contracts with SBE subcontractor goal must be submitted to the County within fourteen (14) days or the next scheduled billing (whichever comes first.) The prime must pay the SBE within two (2) days of being paid by the County.

DISPUTED BILLINGS

- The County or Prime Vendor in direct privity with a SBE must notify the SBE and DBD in writing of those amounts in dispute within fourteen (14) calendar days of receipt of the billing.
- Failure to notify the SBE and DBD of the disputed amounts shall result in the forfeiture of the right to use the dispute as a justification and payment should be forthcoming.
- A SBE may invoice the County or Prime Vendor 1% interest per month for late payments.

AFFIRMATIVE ACTION

 Miami-Dade County enacted 2 ordinances in an effort to ensure that firms that are awarded County contracts do not discriminate in their employment, promotion, and procurement practices.

ORDINANCE 98-30

 Requires that all firms with an annual gross revenue of \$5 million or more have an Affirmative Action Plan filed and approved by DBD as a condition of contract award. Firms with gross revenues of less than \$5 million must file an AAP/PP affidavit to obtain a one-year exemption.

ANTI-DISCRIMINATION

ORDINANCE 97-67

- Prohibits discrimination in contracting,
 procurement, bonding and financial services
 based on race, color, religion, gender, pregnancy,
 age, disability, or national origin.
- Provides for protection in these areas Countywide.

APPEAL HEARINGS

 Appeals for violation of the SBE Ordinance are coordinated by the Department of Business Development.

 The County Manager is responsible for reviewing and making a final decision regarding recommendations for sanctions or penalties for violations of the SBE Ordinance.

DEBARMENT

ORDINANCE 00-18, (CODE SECTION 10-38)

- Debarment is an administrative proceeding initiated by County departments against contractors.
- Debarred contractors are excluded from receiving future County contracts.
- Debarment proceedings are coordinated by the Dept. of Business Development.
- A contractor may be debarred for a period of one (1) to five (5) years.

SBE PROGRAM

DBD Contacts:

- BUSINESS ASSISTANCE
 - Patricia Thomas, Division Director (305)375-3183
- ADMINISTRATIVE & FINANCIAL MANAGEMENT
 - Sheri McGriff, Division Director (305)375-3123
- BUSINESS & PROFESSIONAL DEVELOPMENT
 - Betty Alexander, Division Director (305)375-3124 or <u>bya@miamidade.gov</u>
 - Heather Fraser, Division Manager (305)375-3126 or heather2@miamidade.gov
 - Procurement Unit
 - Albert Porter, DBD Contract Development Specialist II (RFP/RFQ/Bid Waiver/Sole Source)
 (305)375-3128 or SP6@miamidade.gov
 - Jasmine Jones, DBD Contract Development Specialist II (Bids & Contracts)
 (305)375-3129 or jasminj@miamidade.gov
 - Jamila Gibson, DBD Contract Development Specialist I (Bids & Contracts)
 (305)375-4784 or jgibson@miamidade.gov
- CONTRACTS REVIEW & COMPLIANCE
 - Shelia Martinez, Division Director (305)375-3151
- PROFESSIONAL SUPPORT SERVICES
 - Teresa Sands, Division Director (305)375-3143

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QUESTIONS AND ANSWERS

